

Appl. No. 09/973,624
Amdt. dated March 7, 2006
Reply to Office Action of Sept. 8, 2005

Remarks:

Pending in this application at the time of the outstanding Office Action were claims 2-28, 55-70, 80-100. The Office Action allowed claims 2 to 27 and 55 to 70 and identified claims 83-87, 92, and 94-100 as allowable if rewritten in independent form. By this amendment, claim 28 has been amended, and claims 83 and 94-98 have been rewritten into independent form. As such, Applicant respectfully submits that claims 83-87, 92 and 94-100 are now in condition for allowance. Furthermore, Applicant has added new claim 101-113. Support for the amendment to claim 28 and the limitations of new claims 101 can be found at page 21, lines 14-17. Claims 102-113 correspond to claims 83-87 and 94-100 respectively, albeit with their chain of dependency including new claim 101.

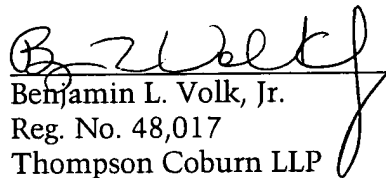
The Office Action rejected independent claim 28 for obviousness based on the Wolf reference. However, the Office Action states that Wolf discloses agglomerates whose sizes are in a range of "8-13 microns" (citing col. 5, lines 17-20 of the Wolf patent, a passage which also discloses a minimum agglomeration size of 7 microns). Converted to nanometers, Wolf's size range for agglomerates is 7000 nm to 13000 nm, with a teaching that directs persons having ordinary skill in the art to the range of 8000 to 13000 nm. In contrast, by this amendment, claim 28 requires the tightly agglomerated compositions to have an average size in range of about 20 nm to about 6000 nm, a range that is wholly outside the range disclosed by Wolf and a range that is in the opposite direction of Wolf's teachings for agglomeration sizes above 7000 nm. Therefore, Applicant respectfully submits that the Wolf reference fails to disclose, teach or suggest all limitations of claim 28. Furthermore, claim 101 further narrows the average size range of the tightly agglomerated compositions to a range of about 20 nm to about 2000 nm, further distancing the invention of claim 101 from the teachings of Wolf. Due to these shortcomings of the Wolf reference, Applicant respectfully requests that the rejection of claim 28 and all claims dependent therefrom be withdrawn.

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Conclusions:

Thus, it is believed that all of the pending claims are allowable and that all of the rejections have been overcome or rendered moot. Accordingly, Applicant respectfully submits that the application is in condition for allowance. Favorable action is respectfully requested.

Respectfully submitted,


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